

intended to be used on, yet maintain a physical barrier against such nosocomial infectious diseases, viruses and bacteria.

#### **Patent 890 Dolnick – Cover for toilet tanks.**

In review of Dolnick's Patent 890, the patent is for use as a decorative toilet tank cover reducing condensation on the exterior part of the toilet tank, the cover being made of a textile product. This has no comparison to the application of use, nor of the type of material used in the structure of the IC Wrap. Claimant fails to see any comparison in the use of application during the comparisons of Dolnick 890, and the application of the IC Wrap.

#### **Summary**

The IC Wrap has been designed for the intended purpose of helping to reduce the spread of highly infectious and deadly diseases when physical equipment is shared within close proximity and within short periods of time with different patients.

These diseases are highly contagious and deadly, and in recent reports from the CDC (Center for Disease Control) several, hundred thousand individuals die each year from catching deadly infections, bacteria, and viruses through the use of unprotected shared medical and physical equipment.

The CDC also reports of the high costs and hundreds of millions of dollars spent in retreating patients, who have contracted such medical conditions due to unprotected equipment and the passing of such diseases.

#### **Conclusion**

Claimant requests the reconsideration, for the issuance of a patent for the IC Wrap. In that neither, Dolnick, 890 nor, Lim, 696, are products for applicable uses in the prevention of spreading of nosocomial diseases, bacteria, or viruses from shared medical and physical equipment used directly by patients. Thank you.

Sincerely,



Laurence W. Riebau, Claimant



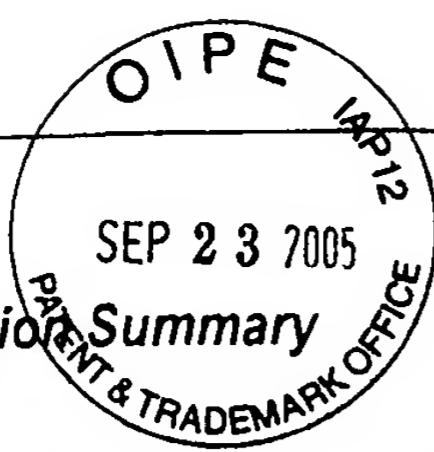
UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/646,002	08/22/2003	Laurence W. Riebau		8944
7590	06/23/2005		EXAMINER	MAH, CHUCK Y
Laurence W. Riebau 7245 Blackbird Ave Spring Hills, FL 34613			ART UNIT	PAPER NUMBER
			3677	

DATE MAILED: 06/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



Application No.	Applicant(s)	
	RIEBAU ET AL.	
Examiner	Art Unit	
Chuck Mah	3676	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 17 May 2005.

2a) This action is FINAL.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
    Paper No(s)/Mail Date \_\_\_\_\_.

4) Interview Summary (PTO-413)  
    Paper No(s)/Mail Date. \_\_\_\_\_.

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 112***

1. Claim 1 is rejected as failing to define the invention in the manner required by 35 U.S.C. 112, second paragraph.

The claim(s) are narrative in form and replete with indefinite and functional or operational language. The structure which goes to make up the device must be clearly and positively specified. The structure must be organized and correlated in such a manner as to present a complete operative device. The claim(s) must be in one sentence form only. Note the format of the claims in the patent(s) cited.

Further, it is not clear, from both the claim and the disclosure, whether "non-porous polyethylene plastic foam pad, non-latex rubber material" is defined as two separate laminated structures (laminated polyethylene plastic foam or laminated rubber) or a one-piece laminate having both foam and rubber. And, it cannot be understood what "HDPE adhesive" is meant. Apparently "HDPE adhesive" is newly introduced into the disclosure.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lim et al. (6,187,696) in view of Dolnick (3,935,890).

'696 discloses a protective cover as claimed but for an adhesive surface for attachment to an equipment. '890 teaches a protective cover having an adhesive surface for attaching to a surface. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the protective cover of '696 with an adhesive surface so that the protective cover can be easily be attached to any surface as desired.

***Response to Arguments***

4. Applicant should submit an argument under the heading "Remarks" pointing out disagreements with the examiner's contentions. Applicant must also discuss the references applied against the claims, explaining how the claims avoid the references or distinguish from them.

***Conclusion***

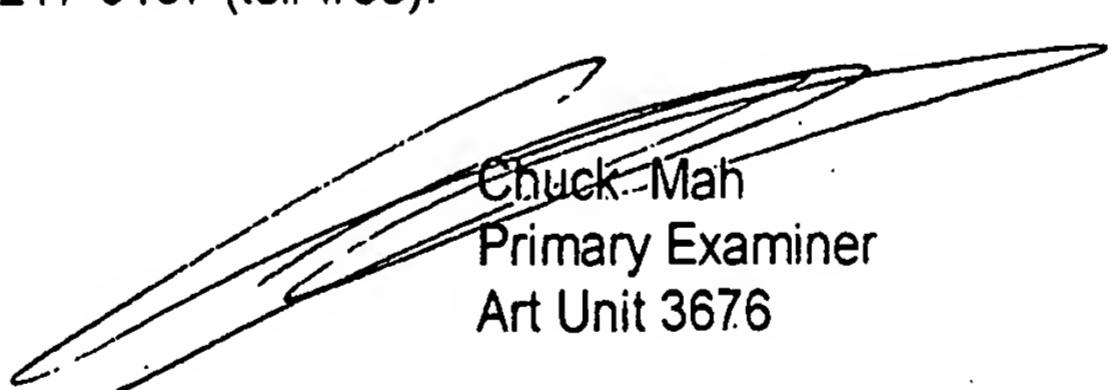
5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chuck Mah whose telephone number is (703) 308-0676. The examiner can normally be reached on 5/4-9.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Shackelford can be reached on (703) 308-2978. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



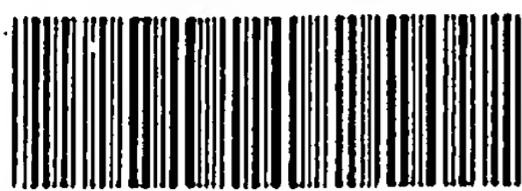
Chuck Mah  
Primary Examiner  
Art Unit 3676

CM



<b>Search Notes</b> 	<b>Application No.</b>	<b>Applicant(s)</b>
	10/646,002	RIEBAU ET AL.
	Examiner Chuck Mah	Art Unit 3676

SEARCHED			
Class	Subclass	Date	Examiner
16	422	x	
	421		
	110.1	x	
	431		
	435	x	
	Dig 12		
294	25		
	146		
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280	33.992		
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602	3, 5		
	62-66, 79,		
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478	302, 309, 301		
	303,		
428	172, 300.1		
		11/3/04 CPM	
EAST. <i>Updated 6/87</i>			
INTERFERENCE SEARCHED			
Class	Subclass	Date	Examiner

**Index of Claims**

**Application No.**
**10/646,002**
**Applicant(s)**
**RIEBAU ET AL.**
**Examiner**
**Chuck Mah**
**Art Unit**
**3676**

<input checked="" type="checkbox"/>	<b>Rejected</b>
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<input type="checkbox"/>	<b>(Through numeral) Cancelled</b>
<input type="checkbox"/>	<b>Restricted</b>

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<input type="checkbox"/>	<b>Interference</b>

<input type="checkbox"/>	<b>Appeal</b>
<input type="checkbox"/>	<b>Objected</b>

Claim	Date	
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